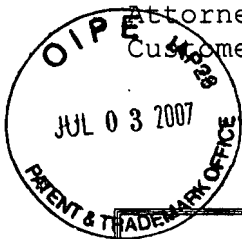


07-05-07

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1731



Attorney No. HARD1.015A (129843-1022)
Customer No. 60148

TRANSMITTAL LETTER
APPLICATION NO. 09/970,389

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail Certificate Under 37 C.F.R. §1.10

"EXPRESS MAIL" MAILING LABEL NUMBER: EL 994542016 US
DATE OF DEPOSIT: July 3, 2007

I, Jan Jones, hereby certify that this paper (along with any papers and fees referred to as being attached or enclosed or actually enclosed) is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above, with sufficient postage, and is addressed as follows:

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Jan Jones

Signature of person mailing paper

In re Application of: Donald J. Merkley et al.
Application No.: 09/970,389
Filing Date: October 2, 2001
Group Art Unit: 1731
Examiner: Mark Halpern
For: Method and Apparatus for Reducing
Impurities in Cellulose Fibers for
Manufacture of Fiber Reinforced Cement
Composite Materials

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Enclosed are:

- a postcard acknowledgment for receipt of papers by the U.S. Patent Office;

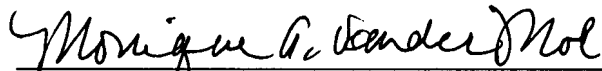
- this Transmittal Letter (2 pp.);
- Information Disclosure Statement (3 pp.);
- Information Disclosure Statement By Applicant submitted as Form PTO/SB/08A and Form PTO/SB/08B (8 pp.); and
- Copies of fifty-three (53) foreign patent documents.

Please date stamp and return the acknowledgment postcard.

As stated in the Information Disclosure Statement, the Commissioner is authorized to charge \$180 for the fee set forth in 37 C.F.R. §1.17(p). To the extent that any further fees, whatsoever, are required at any time during prosecution of this application, including petition and extension fees, the Commissioner is hereby authorized to charge payment of any additional fees, including any under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP (Dallas) and reference Attorney Docket No. 129843-1022. Please credit any overpayments to this same Deposit Account.

Please direct all correspondence to the practitioner listed below at Customer No. 60148.

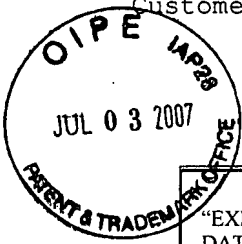
Respectfully submitted,



Monique A. Vander Molen
Reg. No. 53,716
Gardere Wynne Sewell LLP
Thanksgiving Tower
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
Telephone: 214.999.3000
Facsimile: 214.999.3623
Email: ip@gardere.com
ATTORNEY/AGENT FOR APPLICANTS

Date:

July 3, 2007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail Certificate Under 37 C.F.R. 1.10

"EXPRESS MAIL" MAILING LABEL NUMBER: EL 994542016 US

DATE OF DEPOSIT: July 3, 2007

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Mail Stop Amendment
Commission for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Jan Jones

In re Application of: Donald J. Merkley, et al.
Application No.: 09/970,389
Filing Date: October 2, 2001
Group Art Unit: 1731
Examiner: Mark Halpern
For: Method and Apparatus for Reducing
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Manufacture of Fiber Reinforced
Cement Composite Materials

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97(c)(2), Applicants respectfully submit the documents listed on the attached Forms PTO/SB/08A and PTO/SB/08B (8 pp.). Applicants submit this Information Disclosure Statement in compliance with 37 C.F.R. §1.97(c)(2),

as Applicants are filing this Information Disclosure Statement before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by the fee set forth in 37 C.F.R. §1.17(p).

The Commissioner is hereby authorized to charge \$180 for the fee set forth in 37 C.F.R. §1.17(p) as well as the payment of any additional fees, including any under 37 C.F.R. §1.16 or 37 C.F.R. §1.17, to Deposit Account No. 07-0153 and reference Attorney Docket No. 129843-1022. Please credit any overpayments to this same Deposit Account.

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the documents listed on the attached forms be considered and cited during examination of the above-identified application for patent. Pursuant to 37 C.F.R. § 1.98, a copy of certain documents are enclosed for the convenience of the Examiner, other than any U.S. patents and U.S. patent application publications. Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that such documents are material to patentability of the present application or that a search has been performed.


The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner, and shall not be construed as a representation that Applicants or Applicants' representatives have personal knowledge of the contents of the listed art or any events surrounding the listed art.

The Examiner is requested to initial the attached forms, as indicated. It is respectfully requested that the Examiner then

return to the undersigned a copy of the initialed and completed Forms that indicate the enclosed documents have been considered in its entirety.

Please direct all correspondence to the practitioner listed below at Customer No. 60148.

Respectfully submitted,



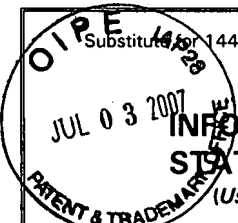
Monique A. Vander Molen
Reg. No. 53,716
Gardere Wynne Sewell LLP
Thanksgiving Tower
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
Telephone: 214.999.3000
Facsimile: 214.999.3623
Email: ip@gardere.com

ATTORNEY/AGENT FOR APPLICANTS

Date:

July 3, 2007

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

 Substituted for 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) Sheet 1 of 8	Complete If Known	
	Application Number	09/970,389
	Filing Date	October 2, 2001
	First Named Inventor	Donald J. Merkley
	Art Unit	1731
	Examiner Name	Mark Halpern
	Attorney Docket Number	129843.1022

U. S. PATENT DOCUMENTS					
Examiner Initial	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US 2,175,569	10/10/1939	Kennedy	
		US 2,176,668	10/17/1939	Egeberg et al.	
		US 3,748,100	7/24/1973	Forseth	
		US 3,753,749	8/21/1973	Nutt	
		US 3,843,380	10/22/1974	Beyn	
		US 3,865,779	2/11/1975	Oya et al.	
		US 3,918,981	11/11/1975	Long	
		US 3,931,069	1/6/1976	Lundin	
		US 3,998,944	12/21/1976	Long	
		US 4,003,752	1/18/1977	Isohata et al.	
		US 4,088,804	5/9/1978	Cornwell et al.	
		US 4,102,697	7/5/1978	Fukuba et al.	
		US 4,548,676	10/22/1985	Johnstone et al.	
		US 4,643,920	2/17/1987	McEntee et al.	
		US 4,647,509	3/3/1987	Wallace et al.	
		US 4,659,386	4/21/1987	Nagai et al.	
		US 4,738,723	4/19/1988	Frizzell et al.	
		US 4,938,958	7/3/1990	Niira, deceased et al.	
		US 5,049,196	9/17/1991	Ries	
		US 5,236,994	8/17/1993	Markusch et al.	
		US 5,346,541	9/13/1994	Goldman et al.	

Examiner Signature		Date Considered	
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EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional.). ²See Kinds Codes of USPTO Patent Documents at www.uspot.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> Sheet <u>2</u> of <u>8</u>	Complete If Known	
	Application Number	09/970,389
	Filing Date	October 2, 2001
	First Named Inventor	Donald J. Merkley
	Art Unit	1731
	Examiner Name	Mark Halpern
	Attorney Docket Number	129843.1022

U. S. PATENT DOCUMENTS					
Examiner Initial	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US 5,403,392	4/4/1995	Craig	
		US 5,421,867	6/6/1996	Yeager et al.	
		US 5,432,215	7/11/1995	Girg et al.	
		US 5,472,486	12/5/1995	Dragner et al.	
		US 5,577,024	11/19/1996	Malkamaki et al.	
		US 5,786,282	7/28/1998	Carter et al.	
		US 5,871,824	2/16/1999	Bates	
		US 6,325,853	12/4/2001	Hogan et al.	
		US 6,344,654	2/5/2002	Lesko	
		US 6,346,146	2/12/2002	Duselis et al.	
		US 6,475,275	11/5/2002	Nebesnak et al.	
		US 6,506,248	1/14/2003	Duselis et al.	
		US 6,528,151	3/4/2003	Shah et al.	
		US 6,572,697	6/3/2003	Gleeson et al.	
		US 6,562,743	5/13/2003	Cook et al.	
		US 6,676,744	1/13/2004	Merkley et al.	
		US 6,676,745	1/13/2004	Merkley et al.	
		US 6,749,897	6/15/2004	Naji et al.	
		US 6,770,576	8/3/2004	Cook et al.	
		US 6,777,103	8/17/2004	Merkley et al.	
		US 6,837,452	1/4/2005	Dezutter et al.	

Examiner Signature		Date Considered	
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EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional.). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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Substitute for 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> Sheet <u>3</u> of <u>8</u>	Complete If Known	
	Application Number	09/970,389
	Filing Date	October 2, 2001
	First Named Inventor	Donald J. Merkley
	Art Unit	1731
	Examiner Name	Mark Halpern
	Attorney Docket Number	129843.1022

U. S. PATENT DOCUMENTS					
Examiner Initial	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US 6,893,751	5/17/2005	Naji et al.	
		US 6,933,038	8/23/2005	Nanko et al.	
		US 6,942,726	9/13/2005	Cook et al.	
		US 7,028,436	4/18/2006	Bezubic, Jr.	
		US 2002/0069791 A1	6/13/2002	Merkley et al.	
		US 2002/0007927 A1	1/24/2002	Vahatalo et al.	
		US 2002/0121229 A1	9/5/2002	Jardine et al.	
		US 2002/0170466 A1	11/21/2002	Naji et al.	
		US 2002/0170467 A1	11/21/2002	Naji et al.	
		US 2002/0170468 A1	11/21/2002	Luo et al.	
		US 2002/0175126 A1	11/28/2002	Naji et al.	
		US 2002/0179219 A1	12/5/2002	Naji et al.	
		US 2002/0189499 A1	12/19/2002	Naji et al.	
		US 2002/0189500 A1	12/19/2002	Naji et al.	
		US 2002/0192510 A1	12/19/2002	Naji et al.	
		US 2003/0000424 A1	1/2/2003	Naji et al.	
		US 2003/0164119 A1	9/4/2003	Naji et al.	
		US 2004/0043686 A1	3/4/2004	Batdorf	
		US 2004/0043217 A1	3/4/2004	Dezutter et al.	
		US 2004/0132843 A1	7/8/2004	Baumgart et al.	
		US 2004/0145078 A1	7/29/2004	Merkley et al.	

Examiner Signature		Date Considered	
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Substitute for 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> Sheet <u>4</u> of <u>8</u>	Complete If Known	
	Application Number	09/970,389
	Filing Date	October 2, 2001
	First Named Inventor	Donald J. Merkley
	Art Unit	1731
	Examiner Name	Mark Halpern
	Attorney Docket Number	129843.1022

U. S. PATENT DOCUMENTS					
Examiner Initial	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US 2004/0168615 A1	9/2/2004	Luo et al.	
		US 2005/0045067 A1	3/3/2005	Naji et al.	
		US 2005/0235883 A1	10/27/2005	Merkley et al.	
		US 2005/0016423 A1	1/27/2005	Merkley et al.	
		US 2005/0126430	6/16/2005	Lightner JR et al.	
		US 2005/0208287 A1	9/22/2005	Naji et al.	
		US 2007/0077436 A1	4/5/2007	Naji et al.	
Pending U.S. Patent Application Ser. No. 10/070,218 entitled "Extrudable Cementitious Material" filed 7/19/2002; Inventor: Peter Goodwin (Attorney Docket No. 131279.1016)					

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION						
Examiner Initial	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Country or Patent Office	Translation Enclosed (YES / NO)	
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		AT 391131 B	8/27/1990	Austria	NO	
		CN 1224701 A	8/4/1999	China	w/translation	
		EP 0147429 A1	7/1995	Europe	Yes	
		EP 0263723 B1	2/27/1991	Europe	NA and (w/Abstract)	
		EP 0287962	4/21/1987	Europe	NO	
		EP 1106236 A1	6/13/2001	Europe	N/A	
		EP 1346964 A2	9/24/2003	Europe	N/A	
		FR 1557348	2/14/1969	France	Abstract only	

Examiner Signature	Date Considered
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Substitute for 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> Sheet <u>5</u> of <u>8</u>	Complete If Known	
	Application Number	09/970,389
	Filing Date	October 2, 2001
	First Named Inventor	Donald J. Merkley
	Art Unit	1731
	Examiner Name	Mark Halpern
	Attorney Docket Number	129843.1022

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION						
Examiner Initial	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Country or Patent Office	Translation Enclosed (YES / NO)	
		Country Code ² Number ⁴ Kind Code ⁵ (if known)				
		GB 22139	11/30/1901	Great Britain	N/A	
		GB 442098	2/3/1936	Great Britain	N/A	
		GB 449384	6/25/1936	Great Britain	N/A	
		GB 731597	6/8/1955	Great Britain	N/A	
		GB 2137977	10/17/1984	Great Britain	N/A	
		GB 1536663	12/20/1978	Great Britain	N/A	
		DE 19654836	6/25/1998	Germany	Abstract only	
		JP 5-177625 A2	7/1993	Japan	w/Abstract	
		JP 01141849	6/2/1989	Japan	Abstract only	
		JP 05184246	7/27/1993	Japan	Abstract only	
		JP 07041592	2/10/1995	Japan	Abstract only	
		JP 10095922	4/14/1998	Japan	Abstract only	
		JP 2003335560	11/25/2003	Japan	Abstract only	
		JP 08119708	5/14/1996	Japan	Abstract only	
		JP 2001316163	11/13/2001	Japan	w/Abstract	
		JP 03016978	1/24/1991	Japan	Abstract only	
		JP 04182335	6/29/1992	Japan	Abstract only	
		JP 55085756	6/28/1980	Japan	Abstract only	
		JP 61019900	1/28/1986	Japan	Abstract only	
		KR 1019950008587 B1	8/3/1995	Korea	Abstract only	
		SU 240472	3/21/1969	Soviet Union	Abstract only	

Examiner Signature		Date Considered	
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Substitute for 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> Sheet <u>6</u> of <u>8</u>	Complete If Known	
	Application Number	09/970,389
	Filing Date	October 2, 2001
	First Named Inventor	Donald J. Merkley
	Art Unit	1731
	Examiner Name	Mark Halpern
	Attorney Docket Number	129843.1022

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION						
Examiner Initial	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Country or Patent Office	Translation Enclosed (YES / NO)	
		Country Code ² Number ⁴ Kind Code ⁵ (if known)				
		WO 84/04765	12/1984	WIPO	N/A	
		WO 97/31153 A1	8/28/1997	WIPO	N/A	
		WO 00/71336 A1	11/2000	WIPO	N/A	
		WO 02/012623 A1	2/14/2002	WIPO	N/A	
		WO 02/33164 A2	4/25/2002	WIPO	N/A	
		WO 2004/063113	7/29/2004	WIPO	N/A	

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Substitute for 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> Sheet <u>7</u> of <u>8</u>	Complete If Known	
	Application Number	09/970,389
	Filing Date	October 2, 2001
	First Named Inventor	Donald J. Merkley
	Art Unit	1731
	Examiner Name	Mark Halpern
	Attorney Docket Number	129843.1022

NON PATENT LITERATURE DOCUMENTS			T ²
Examiner Initial*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	
		WOODS, Amy Lamb "Keeping a Lid on It: Asbestos-Cement Building Materials" August 2000 (12 pgs) internet article located at www.cr.nps.gov/hps/tps/recentpast/asbestosarticle.htm	
		Chapter 5 "Asbestos Cement Products" pages 25-40 (book unknown)	
		Chemical Abstracts on STN "Plasticizing Effect of Aliphatic Amines on Cements" Babachev et al, Build Sci Inst. Sofia Bulgaria; Epitoanyag (1972) 24(11), 430-5; Abstract only	
		Chemical Abstracts, vol. 94, no. 8, February 23, 1981; Columbus, Ohio; abstract no. 51915a, XP 000186251 "Building Materials With Improved Black Mold Resistance"	
		Hawley's Condensed Chemical Dictionary, Richard Lewis Sr., Twelfth Edition, 1993 Van Nostrand Reinhold, pg. 435; definition of "dispersing agent"	
		SHAPIRO, A.D. et al.; Bumazhnaya Promyshlennost 36, 12 (1961) XP-002335287 "Manufacture of Board Resistant to Biological Degradation"	
		Database WPI Section Ch, Week 198610 Derwent Publications Ltd., London, GB; Class C03, AN 1986-066741 (XP002335289)	
		XP002197953 & JP 2001240458A, Kamishima Kagaku Kogyo KK) Database WPI, Section Ch, Week 200212, Derwent Publications Ltd., London, GB; Class L02, AN 2002-085436, 4 Sept. 2001 abstract	
		Finnish Forest Industries Federal "Mechanical Pulp Production" internet article located at http://english.forestindustries.fi/products/pulp/mechanical.html dated 11/10/2004 (2pgs)	
		"Improvements in the Durability of Cellulose Reinforced Cementitious Composites," Lin et al. Mechanisms of Chemical Degradation of Cement based systems, Proceedings of the Materials Research Society's Symposium of Mechanisms, Boston, Nov. 27-30, 1995	
		Neithalath, Narayanan, et al "Acoustic Performance and Damping Behavior of Cellulose-Cement Composites, Cement & Concrete Composites 25 (2003) (pgs. 1-12)	
		Mai et al., "Effects of Water and Bleaching on the Mechanical Properties of Cellulose Fiber Cements" Journal of Materials Science 18 (1983) 2156-62	
		MAI et al., "Slow Crack Growth in Bleached Cellulose Fibre Cements" Journal of Materials Science Letters 3 (1984), 127-130	
		JUBOCID "Special Anti-Mildew Coatings" September 2002 (4 pgs) (Technical Sheet 10)	

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		Thai MDF Board Co., Ltd "Beger Synotex Acrylic TM 100% Emulsion Paint" (2 pgs) 2003 article located at: http://www.thaimdf.com/paint_roofpaint.htm	
		"Hardi-Plank and Surface Mold" article located at internet http://www.nefsi.org/wwwboard/messages/439.html (2 pgs) dated June 13, 2003.	
		FORCE 10 Caribbean "Custom Features" Engineered Building Systems (5 pgs) 1999 – article located at http://www.force-10.com/about/customfeatures.htm	
		Third Party Observation filed by Redco NV in the EPO application for .071VEP (129843.2354) filed on 8-23-06	

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